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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,465	08/03/2001	David M. Czech	11694/04101	7030
27483	7590	03/24/2004	EXAMINER	
CALFEE, HALTER & GRISWOLD, LLP 800 SUPERIOR AVENUE SUITE 1400 CLEVELAND, OH 44114			KOCH, GEORGE R	
			ART UNIT	PAPER NUMBER
			1734	

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/921,465	CZECH ET AL.	
	Examiner	Art Unit	
	George R. Koch III	1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2004.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-5, 12-17 and 21-25 is/are pending in the application.
- 4a) Of the above claim(s) 5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 12-17 and 21-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>2/6/04</u>  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claim 5 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The original invention, as embodied in original claim 5, was solely directed towards powder coating. Newly amended claim 5 deletes all reference to liquid coating and replaces it with liquid coating

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 5 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 102***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1, 3, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Jahn et al (US Patent 6,073,055).

Jahn discloses a system for configuring a spaying application system, comprising user input device (for example, Figure 2, items 160) remotely located from a manufacturing site (for example, paint laboratories 132 and paint manufacturing laboratories 136), a configuration program accessible by the user input device over a

Art Unit: 1734

communications network (item 169, called an network such as an Intranet or Extranet - see column 4, lines 24-40). Jahn also discloses that the configuration program presents component selection based on input data from the user input device, and the configuration program verifying component capability (see, especially Figures 6a and 6b, item 342, which shows values and options - See also column 6, line 60 to column 7, lines 15). Jahn also discloses that the system has different components including application device such as a gun, in the specific form of bell atomizers (see column 6, line 60 to column 7, line 2). Jahn also discloses that the component selection options include application device design such as bell speed and bell fluids (column 6, line 60 to column 7, line 2).

As to claim 3, Jahn discloses a pricing and inventory database (see Figure 7b, which discloses \$ per car, \$ per Kg/gal, and other price measures, and Figure 7a, which discloses in item 372, material data, material information and consumption, and in item 368, equipment list, accessories - see column 8).

As to claim 21, Jahn discloses a visual representation of the system selection. (see Figure 4, 6A and 6B, for example).

As to claim 22, Jahn discloses a link to a bill of materials database (see Figures 4, Figure 7B, item 376 and especially Figure 8, which shows "Economy" with cost per KG/Gal... i.e., a bill of materials).

Art Unit: 1734

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

5. Claims 1-4, 12, 14, 15 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel et al (US Patent Publication 2003/0110101 A1) and further in view of Jahn (US 6,073,055).

As to claim 1, Friel discloses a system for configuring an automotive assembly line including a spraying application system (see, for example, Figure 1, and paragraphs 0019, 0020, etc), a user input device located remotely from the manufacturing location (see, for example, items 131-133, and see especially paragraphs 0022, 0032 and 0033), a configuration program accessible by the user input device over a communication network, the configuration program presenting component selection options based on input data from the user input device, the configuration program verifying component compatibility (see paragraphs 0028-0033). Friel also discloses that the system has different components including application device such as a gun and valves, in the specific form of bell atomizers (see column 6, line 60 to column 7, line 2). Jahn also discloses that the component selection options include application device design such as bell speed and bell fluids (column 6, line 60 to column 7, line 2). Friel further discloses that the component selection options in control over which valves are activated (see paragraph 0020)

Friel is silent as to application device structure such as gun components and the selection of gun options or application device design in the gun structure.

Art Unit: 1734

Jahn also discloses that the system has different components including application device such as a gun, in the specific form of bell atomizers (see column 6, line 60 to column 7, line 2). Jahn also discloses that the component selection options include application device design such as bell speed and bell fluids (column 6, line 60 to column 7, line 2). In this passage, Jahn discloses that using a gun and having the capability to select component settings allows for generation of mathematical models through experiments. One in the art would immediately appreciate that such capability allows for the identification of superior coating techniques for a specific setting. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the different components of Jahn and application device design of Jahn in order to identify superior coating techniques, i.e., mathematical models, for different settings.

As to claim 2, Friel discloses an Internet connection (see paragraph 0029).

As to claim 3, Friel discloses accessing a pricing and inventory database (see Figures 3a, 3b, 3c, and 3d, see also paragraphs 0024 to 0027).

As to claim 4, Friel discloses using secure web sites via known commercial solutions such as Internet Explorer™ and Netscape Navigator™ which are capable of presenting secure connections (paragraph 0022).

As to claim 12, Friel discloses using a server connected to the communication network (see Figure 1, items 130, 140, and 131-133. Item 130 is the communication network and item 140 is the server).

As to claim 14, Friel discloses a drag and drop interface to permit a user to configure a system (see screen shot on Figure 2, see also paragraph 0023)

As to claim 15, Friel's screen shot is considered a wizard option to generate a configured system based on response inputs from the user to a number of questions. The configured system is the overall price (see item 250, Figure 2). Furthermore, Friel discloses more sophisticated wizard systems (see paragraph 0024).

As to claim 21, Friel discloses a visual representation of the system selection. (see Figure 2, for example). Furthermore, Jahn discloses a visual representation of the system selection. (see Figure 4, 6A and 6B, for example).

As to claim 22, Friel discloses a link to a bill of materials database (see Figures 3a and 3b, which discloses the cost of the materials). Furthermore, Jahn discloses a link to a bill of materials database (see Figures 4, Figure 7B, item 376 and especially Figure 8, which shows "Economy" with cost per KG/Gal... i.e., a bill of materials).

6. Claims 2, 4, 13, 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jahn as applied to claims 1 and 3 above, and further in view of Corrigan (US Patent 6,522,977).

As to claims 2, Jahn discloses that the input device comprises a personal computer, but is silent as to the use of the Internet.

Corrigan discloses a paint matching and spraying system in which desired color values are transmitted via the internet (see column 6, lines 12-22). The internet is well known for providing an affordable communications solution and dispenses with the need

Art Unit: 1734

for a proprietary communications system which can be cost prohibitive. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the internet instead of a proprietary extranet or intranet in order to reduce communication costs and allow laboratories to be situated at greater distances.

As to claim 4, Jahn is silent as to the use of a secure website or a secure web page accessible via the Internet.

Corrigan discloses that the data should be secure, by being encrypted, in order to protect confidentiality of proprietary information (column 6, lines 21-22). Furthermore, the use of web sites to convey information across the internet as in Corrigan is considered well known and conventional, and in fact, is considered the most conventional mechanism for conveying information across the internet, as it utilizes a low cost mechanism for transmitting information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilize secure information and convey the information across the internet via web sites in order to provide a secure yet cost effective transmission.

As to claim 13, Jahn does not disclose that the input device is capable of accessing a database of test data and configuration data to facilitate troubleshooting.

As to claim 13, Corrigan discloses a remote computer or user input device (associated with manufacturing sites) which accesses a database historical operating parameter information for future use, such as different paint formulations (see column 3, lines 19-36; column 7, line 23 to column 13, line 32 which disclose the search of the closest paint formulation from historical test and operating data, especially in column 12,



Art Unit: 1734

lines 9-16). Furthermore, this database accesses test data and configuration data which facilitates troubleshooting and improvement of the color choices (see columns cited above). Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites.

Furthermore, as to claim 13, Jahn discloses error correction, i.e., troubleshooting, of the system (see column 8).

Furthermore, as to claims 16 and 17, Corrigan's historical database which is accessible from the internet includes prior results of color matching and painting tinting operations (see column 5, lines 51-62). Furthermore, it is notoriously well known and conventional to perform this access via web pages. Thus, Corrigan's database is a database of case studies based on operational systems to facilitate remote system configuration based on analogous operation parameters. As mentioned above in the rejection of claims 10 and 13, Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database with case studies accessible from a web page in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites. Furthermore, the system of Corrigan is capable of storing the

Art Unit: 1734

claimed case studies and discloses both studies with regard to the product and coating material.

Claims 23-24 are rejected on similar grounds as claim 16-17 above.

As to claim 25, the apparatus and system is capable of performing the claimed process.

7. Claims 4, 13, 16, 17 and 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friel as applied to claim 8 above, and further in view of Corrigan (US Patent 6,522,977).

As to claim 4, the selection of Internet Explorer <sup>TM</sup> or Netscape Navigator <sup>TM</sup> in Friel can alternatively be interpreted as not disclosing the use of secure websites or web pages, and just using nonsecure websites or web pages via the internet.

Corrigan discloses that communications by computer should be secure, such as by encryption. Corrigan further discloses that one would do this in order to preserve the confidentiality of proprietary information. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used secure websites or secure web pages in order to preserve the confidentiality of proprietary information.

As to claim 13, Friel does not disclose that the input device is capable of accessing a database of test data and configuration data to facilitate troubleshooting.

As to both claims 10 and 13, Corrigan discloses a remote computer or user input device (associated with manufacturing sites) which accesses a database historical operating parameter information for future use, such as different paint

Art Unit: 1734

formulations (see column 3, lines 19-36; column 7, line 23 to column 13, line 32 which disclose the search of the closest paint formulation from historical test and operating data, especially in column 12, lines 9-16). Furthermore, this database accesses test data and configuration data which facilitates troubleshooting and improvement of the color choices (see columns cited above). Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites.

Furthermore, as to claims 16 and 17, Corrigan's historical database which is accessible from the internet includes prior results of color matching and painting tinting operations (see column 5, lines 51-62). Furthermore, Friel discloses that it is known to perform this access via web pages. Thus, Corrigan's database is a database of case studies based on operational systems to facilitate remote system configuration based on analogous operation parameters. As mentioned above in the rejection of claims 10 and 13, Corrigan discloses that this system improves the color quality and choices and the matching capabilities. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized such a database with case studies accessible from a web page in order to improve the color matching capabilities, the color quality choices and to harmonize results from different manufacturing sites. Furthermore, the system of Corrigan is capable of storing the

Art Unit: 1734

claimed case studies and discloses both studies with regard to the product and coating material.

Claims 23-24 are rejected on similar grounds as claim 16-17 above.

As to claim 25, the apparatus and system is capable of performing the claimed process.

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 1-5, 12-17, and 21-25 have been considered but are moot in view of the new ground(s) of rejection. However, applicant's remarks are addressed below.

9. It appears that applicant intends for the phrase "remote configuration" to refer changing the actual application device and not its supply or mix of supply or its operation condition. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., actually changing the actual device or gun) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it

Art Unit: 1734

meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

### **Conclusion**

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the

Art Unit: 1734

applicant can communicate by calling the Federal Relay Service at 1-800-877-8339 and giving the operator the above TDD number. The examiner can normally be reached on M-Th 10-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III  
March 20, 2004



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SUPERVISORY PATENT EXAMINER  
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